

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**ORDER**

-vs-

Criminal Action No. 1:19-cr-156 (MAD)

XIAOQING ZHENG,  
Defendant.

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BASED ON THE JOINT STIPULATION AND THE FOLLOWING FINDINGS, IT IS  
HEREBY ORDERED:

1. That the seventy-five (75) day period, from July 6, 2021 to and including **September 18, 2021**, shall be excludable in computing time under the Speedy Trial Act. Based on the stipulated facts and findings set forth in the joint stipulation which the Court incorporates into this Order and adopts them as findings, the Court further finds, pursuant to 18 U.S.C. §3161(h)(7)(A), that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial.

2. The deadline for the completion of discovery by the United States shall be completed on or before **July 30, 2021** (otherwise due within 14 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial Order). The deadline for the completion of reciprocal discovery by the Defendant shall be completed on or before **August 6, 2021** (otherwise due within 21 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial order).

3. Any pretrial motions in this case shall be filed on or before **August 13, 2021** on submit before Judge Mae A. D'Agostino with no appearances necessary.

4. Any change of plea shall be entered on or before **August 20, 2021**.

5. All pretrial submissions as set forth in the second criminal pretrial scheduling order (Dkt. No. 30) are due on or before **August 23, 2021**.

6. A Final Pretrial Conference will be held **on August 27, 2021 at 2:30 p.m.** in Albany before Judge Mae A. D'Agostino. Counsel are directed to report to Judge D'Agostino's chambers for this conference.

7. Jury Trial is scheduled to commence on **September 7, 2021 at 9:30 a.m.** before Judge Mae A. D'Agostino in Albany, New York.

**IT IS SO ORDERED.**

Dated: July 6, 2021  
Albany, New York



Mae A. D'Agostino  
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Criminal Action No. 19-CR-00156 (MAD)

v.

(Hon. Mae A. D'Agostino)

XIAOQING ZHENG

STIPULATION AND ORDER  
FOR ENLARGEMENT OF TIME

Defendant.

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STIPULATION

Kevin Luibrand, the attorney for defendant Xiaoqing Zheng in the above-captioned action, having moved for a continuance of an additional seventy-five (75) days within which the defense may review the government's motion responses and prepare for trial, and Richard Belliss, Assistant United States Attorney, Northern District of New York, having consented to the continuance and the proposed exclusion of a seventy-five (75) day period under the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), the parties hereby stipulate and agree as follows:

1. The prior proceedings in this case occurred as follows:
  - a. Date of federal arrest: August 1, 2018
  - b. Date of indictment: April 18, 2019
  - c. Date of arraignment: April 23, 2019
  - d. Defendant custody status: Defendant is released on conditions
    - i. Date United States moved for detention: N/A
    - ii. Date of detention hearing: N/A
    - iii. Date detention decision issued: N/A

- d. Prior enlargements of time and exclusions under the Speedy Trial Act: multiple pre-indictment enlargements of time; ten post-indictment enlargements of time excluding the time running from May 31, 2019 through July 28, 2019; from August 9, 2019 through October 6, 2019; from October 7, 2019 through January 3, 2020; from December 6, 2019 through March 3, 2020; from February 13, 2020 through May 11, 2020; from May 5, 2020 through September 2, 2020; from August 3, 2020 through October 31, 2020; from September 23, 2020 through December 20, 2020; from December 2, 2020 through April 20, 2021; and from March 31, 2021 through May 28, 2021.

2. The defendant has requested the continuance based on the following facts and circumstances:

a. On April 18, 2019, a federal grand jury in the Northern District of New York returned a multiple count indictment alleging that the defendant conspired to commit economic espionage, conspired to commit theft of trade secrets, committed economic espionage, committed theft of trade secrets, and made false statements, all in violation of Title 18, United States Code, Sections 1831, 1832, and 1001. The defendant has been arraigned and is currently released on conditions pending trial.

b. On June 1, 2021 the defense filed various pre-trial motions to include motions to suppress evidence. The government has not yet filed its responses, however, the defense replies to the government's motion responses are due on July 27, 2021. The defense will need additional time to review the government's motion responses, prepare its replies, and prepare for trial.

3. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. The nature of the investigation, its complexity, and the need for the defense team to review the government's motion responses, prepare its replies, and prepare for trial make it unreasonable to expect the defense to be prepared to defend the case at trial on September 7, 2021 (the presently scheduled trial date), taking into account the exercise of due diligence.

4. The parties stipulate and agree that the time period running seventy-five (75) days from the date of the Court's order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: June 24, 2021

*Richard Belliss*

Richard Belliss  
Assistant U.S. Attorney  
Bar Roll No. 515295

June 24, 2021

*Kevin Luibrand*

Kevin Luibrand, Esq.  
Attorney for Xiaoqing Zheng  
Bar Roll No. 103089

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because the nature of the investigation, its complexity, the need for the defense to review the government's motion responses, prepare its replies, and prepare for trial, make the requested delay necessary, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS  
IT IS HEREBY ORDERED

A. That the seventy-five (75) day period running from the date of this Order, up to and including \_\_\_\_\_, 2021 shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the defense reasonable time necessary for effective preparation.

B. The deadline for the completion of reciprocal discovery by the defendant (otherwise due within 21 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by \_\_\_\_\_ days to \_\_\_\_\_ 2021.

C. The trial in this matter shall begin on \_\_\_\_\_, 2021 before United

States District Judge Mae A. D'Agostino, in Albany, New York or, in the alternative, a change of plea shall be entered on or before \_\_\_\_\_, 2021.

Dated: \_\_\_\_\_, 2021

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Hon. Mae A. D'Agostino  
United States District Court Judge  
Northern District of New York